

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Schlingensiepen

Application No. 09/341,700

Filed September 24, 1999

For AN ANTISENSE OLIGONUCLEOTIDE PREPARATION METHOD

HAND CARRIED
PETITIONS OFFICE
Art Unit 1635

Examiner Jane J. Zara

PETITION UNDER 37 CFR 1.313(c)

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

Petitioner requests withdrawal of the subject application from issue, after payment of the issue fee, in order to file the attached request for continued examination (RCE). The RCE presents an amendment, which is necessary to correct an error in the claims that incorrectly define the invention.

More precisely, claim 70 was amended under Rule 312 by revising paragraphs "c)" and "d)" to read:

- c) the antisense oligonucleotide does not contain four or more consecutive elements within the target nucleic acid sequence,
- d) the antisense oligonucleotide does not contain two or more series of three consecutive elements within the target nucleic sequence.

Impropriety of the inserted (underlined) text is readily apparent. Since "the antisense oligonucleotide does not contain four or more consecutive elements," these "four or more consecutive elements" *cannot be, also*, "within the target nucleic acid sequence," because the "target nucleic acid sequence" *is not located in* the "antisense oligonucleotide." As recited in line 3 of claim 70, the "antisense oligonucleotide" *corresponds to* "the target nucleic acid sequence." The same reasoning essentially applies with respect to impropriety of the text "within the target nucleic sequence" inserted in paragraph "d)" of claim 70.

For the foregoing reasons, grant of the instant petition is requested.

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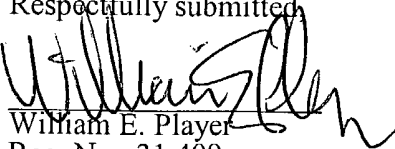
Date: November 4, 2004

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Respectfully submitted,

By:


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